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Situation of human rights in the Islamic Republic of Iran

Note by the Secretary-General

The Secretary-General has the honour to transmit to the members of the General Assembly the interim report on the situation of human rights in the Islamic Republic of Iran, prepared by Maurice Copithorne, Special Representative of the Commission on Human Rights, in accordance with General Assembly resolution 53/158 of 9 February 1999 and Economic and Social Council decision 228 of 27 July 1999.

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Interim report on the situation of human rights in the Islamic Republic of Iran, prepared by the Special Representative of the Commission on Human Rights

Summary

In the period under review the Islamic Republic of Iran has seen more political and social turmoil than in recent years.

The President's commitments to change appear to be undiminished but the slow rate of implementation is leading to increasing scepticism.

The protection and promotion of human rights has had a central role in the recent turmoil, and the human rights of the participants and bystanders have been in jeopardy.

In particular, freedom of expression has suffered a setback in terms of the treatment in the media and perhaps peaceful demonstration as well.

Although there continues to be improvement in the condition of women as reflected by some social indicators, there is virtually no progress towards the improvement of their legal status.

The reform of the legal system remains a critical issue that has been on hold for some time.

Executions remain at an unacceptably high level, torture and similar treatment or punishment continue to exist and the prison system is facing unacceptable physical conditions.

The final report on a series of murders of intellectuals and political dissidents is still outstanding, which is contributing to widespread scepticism about the investigation.

The status of minorities and the Baha'is in particular remains unchanged.

Overall, while progress is undoubtedly being made in some areas, this is not the case in some of the most critical areas.

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I. Introduction

1. As the Special Representative has had occasion to observe in the past, capturing a dynamic complex society of 60 million people in a 32-page report is a considerable challenge. In the case of Iran, contradictions abound and crimes in society are if anything growing more pronounced each year.

2. Tension increased markedly in July and August 1999. The aftermath of a series of brutal murders of intellectuals and political dissidents that had occurred in November-December 1998 was still being played out. Efforts to consolidate freedom of expression were being challenged more vigorously, culminating in the closure of prominent reformist newspapers and the introduction of new repressive press legislation. These and other developments led in substantial part to the peaceful student-initiated demonstrations that subsequently turned violent.

3. These events were generally seen as the most serious challenge to the regime since the Islamic Revolution. They reflected the continuing struggle between those who want the society to move forward towards the vision articulated by the President and those who view that prospect as an unacceptable erosion of the Islamic verities on which the Islamic Republic was founded. For some, the central piece in the struggle is the reform of the legal system, that is to say, the search for a system that is less arbitrary, less driven by ideology, less cruel towards its dissidents and criminals; in short a system based on the rule of law built around respect for the personal dignity of all individuals. However, in the process, the rights of those engaged in the struggle as well as bystanders may be trampled on; this is certainly happening in the Islamic Republic.

4. While some progress in human rights is undoubtedly being made, this is not the case across the several critical scenarios still unfolding, particularly those concerning the perpetrators of the string of murders, and the treatment accorded to students and others in the aftermath of the demonstrations; the protection of human rights may well have suffered some significant erosion.

5. With regard to cooperation with the Commission on Human Rights, the Special Representative would note that the Government has not issued an invitation to him during the period under review and that he has not been able to visit Iran since February 1996. The invitation of the Government to the Working Group on Enforced or Involuntary Disappearances has not been taken up as of the date of preparation of this report.

II. The Special Representative's activities and sources

6. The Special Representative presented his fifth report (E/CN.4/1999/32) in April 1999 to the Commission on Human Rights at its fifty-fifth session. He returned to Geneva in May to hold consultations and participate in the sixth meeting of special rapporteurs, special representatives, experts and chairpersons of working groups of the Commission on Human Rights. He again returned to Geneva from 16 to 24 August 1998, to prepare the present report. On each of these occasions, the Special Representative met with senior officials of the Government of the Islamic Republic of Iran and staff of the Office of the United Nations High Commissioner for Human Rights (OHCHR), and had other consultations.

7. In seeking to discharge his mandate, the Special Representative continues to draw from a wide range of information sources, including the Government of the Islamic Republic of Iran, other Governments, United Nations organizations, bodies and programmes, non-governmental organizations, individuals and media reports emanating from inside and outside the Islamic Republic of Iran. In Geneva, the Special Representative participated in an inter-agency informal consultation convened by OHCHR for discussion and exchange of information among various United Nations and other intergovernmental agencies about the human rights and humanitarian situations in the Islamic Republic.

8. During the period under review, the Special Representative received written communications from the following non-governmental organizations: About Iran; Amnesty International; Baha'i International Community; Committee for Defence of Liberty in Iran; Committee for the Defence of Prisoners in Iran; Committee to Protect Journalists; Constitutionalist Movement of Iran; Democratic Party of Iranian Kurdistan; Dr. Homa Darabi Foundation; Human Rights Watch; International PEN American Center; International PEN Writers in Prison Committee; Iranian Worker Left Unity; Organization for Defending Victims of Violence; National Council of Resistance of Iran; Reporters Sans Frontières; Society for the Defence of Political Prisoners in Iran; and Spectrum Institute.

III. Freedom of expression

A. The media

9. As noted by the Special Representative in earlier reports, freedom of expression is the field in which the issue of change has been most clearly joined. This continues to be the case. In brief, disciplinary action against newspapers, their directors and their journalists has risen sharply. In February 1999, Mohsen Kadivar, a prominent cleric and writer, well known for his liberal views, was arrested by the Clerics Court to face such charges as "confusing public opinion", on which he was subsequently convicted and sentenced to 18 months in jail. Kadivar had rejected the jurisdiction of the closed court and argued for a trial by jury in a public court. Kadivar's treatment was widely regarded as an attack on intellectual freedom, pluralistic politics and the rule of law. The minister responsible for the press described Kadivar's treatment as "the arrest of ideas and theories". In March the Clerics Court issued a decree that any newspaper even mentioning the name of the dissident Shia dignitary Ayatollah Montazeri would be subject to prosecution.

10. While new licences continued to be issued, newspapers and journals continued to be closed for various offences including being guilty of "lies" and of committing "counter-revolutionary acts". Over the period January to August 1999, some 40 publications appear to have had complaints filed against them. Many of the leading reformist papers have been closed and others have charges pending. The responsible minister himself survived an impeachment attempt in the Majlis for, it would seem, condoning if not promoting a liberal press environment.

11. One of several cases that attracted a great deal of attention in the period under review was that brought in the Clerics Court against the leading reformist newspaper *Salam*, and its director Mousavi Khoeiniha. The Court imposed a five-year ban on *Salam* and a three-year ban on Khoeiniha's participation in journalism. Khoeiniha still faces trial before a revolutionary court on other complaints. The minister responsible for the press subsequently distanced himself and the executive from the *Salam* judgements, regretting the closure of the newspaper and hoping that in future, no daily of that stature would be banned. Journalists employed by *Salam* and other newspapers now banned have since been summoned by various courts to answer complaints against them personally.

12. The role of the Press Supervision Board and the press jury continues to be the subject of controversy. One of the critical issues is the usurpation of the functions of the legislated press control system by the courts, including in particular the Clerics Court, a tribunal the Special Representative has in the past found to disregard the human rights of many of those brought before it. This development has been criticized by the minister whose ministry has legislated responsibility for the press.

13. The press control regime has not been without fault. It has on occasion acted capriciously and without regard to the requirements of fair trial. There have also been problems because of certain ambiguities in the law. In early July 1999, apparently purporting to address these ambiguities, the Majlis, reportedly without consulting the executive or the media, passed legislation that, among other things, permitted the suspension of publications before the prescribed legal process had been undergone, permitted a court to require the directors of publications to reveal their sources, required applicants for a licence to have "practical allegiance to the Constitution" and expanded the membership of the Press Supervision Board to include representatives of certain Islamic organizations and agencies. The amount of bail for press offences was also substantially increased. These changes were criticized by the government ministry concerned. In August, a second piece of legislation was announced, also apparently drafted without consultation with those most concerned. This legislation purported to address the need for a definition of a "political offence", but is said to be so widely drawn as to threaten free comment not only on political matters but on social and economic ones as well. The Special Representative considers that passage of these two pieces of new legislation, both apparently opposed by those most concerned, would constitute a major defeat for the right of free expression in Iran.

B. Student protests

14. Without doubt the most significant political and social event during the period under review was the series of student demonstrations in early July 1999. Their cause, their character and their implications are still being discussed. In human rights terms, they can be viewed through the optics of freedom of expression, of association and of assembly, as well of course as those of the person in cases of death, injury or arrest. The Special Representative chooses to position the demonstrations, in the first instance at least, as the right to free expression and to peaceable demonstration through the rights of assembly and association.

15. While student activism had been building for some months, the critical sequence of events took place in the

period 7-14 July, with the fall-out continuing at the time of writing this report. They have been described by many commentators inside and outside of Iran as the most serious challenge the Government has faced since the early days of the Islamic Revolution. Where Governments feel threatened, the protection of human rights is usually on the line. This case is no exception.

16. The Special Representative has attempted to establish a chronology of the events, particularly as they might have a bearing on human rights; it is attached as annex I. The Government launched separate enquiries into each of the three phases of the events: on 8 and 9 July on the campus of the University of Tehran; the student demonstrations on 9, 10 and 11 July; and the broader demonstrations on 12 and 13 July. Only the report on the first phase was available as the present report was being prepared.

17. In grossly simplified terms, on 8 July some students held a small rally at the university apparently to protest the passage by the Majlis of the press legislation mentioned above and the closure of a popular newspaper, *Salam*. Early in the morning of 9 July, the security forces and "civilian elements", widely assumed to be the extra-legal Ansari-Hezbollah, attacked the student dormitories causing a great deal of damage and some injuries and arresting some students. On 10 July a large number of students held a demonstration which moved into the streets of Tehran, with discontent now focusing on the raid on the student dormitories. The demonstrations continued on 11 July. Meanwhile, the Government expressed its grave concern over the raid, undertook to reimburse the students for damage suffered and suspended the senior police officers concerned. The Minister of Higher Education and the President of the university resigned. The demonstrations continued on 12 and 13 July. With many non-students now joining in, the demonstration turned violent. The political demands of the demonstrators broadened beyond the incident of 9 July. The Government vowed to restore order and a large pro-Government rally was organized for 14 July. This was the end of the demonstrations.

18. Almost immediately, concern began to be expressed for those detained by the security forces and over allegations that arrests were continuing, including of persons connected to the Iran Nation Party. At least one detained student leader appeared on television to confess his role in the disturbances and to having been in contact with foreign elements. At one point, the Government announced that, contrary to rumours, some 1,200 persons had been detained, of whom some 700 had already been released. However, other activists and journalists disappeared; they too were presumed to have been detained. The Special Representative and his colleagues made a number of urgent appeals about the situation (see annex III, paras. 5, 7 and 8).

19. The atmosphere remains intimidating. State television has broadcast videotaped confessions of activists, accused of being "counter-revolutionaries", Ministry of Information (i.e. Intelligence) lists of those arrested openly state them to be guilty, and the head of the Tehran Revolutionary Court declared that it would move against persons whose statements had "incited" or "fomented" recent events.

20. The protests provided a major challenge to the President's promise of diversity and freedom of expression within the rule of law. The attack on the student dormitories was a clear violation of the human rights of the students, as well as apparently being a violation of Iranian law. The Government has taken disciplinary steps against some of the senior officers concerned, but at the time of writing, not yet against the notorious "civilian elements", whom it accuses of "exerting immense pressure" upon the police. The first days of demonstrations that followed appeared to have been peaceable enough but later the presence of outside elements and the police response led to violence, injuries and the destruction of public property. The challenge for the authorities is to distinguish between peaceable protest and violent confrontation, and to punish only those involved in the latter. At the time of writing, the signs are that despite the initial tolerance towards the students, the authorities are casting their net very widely to include some student leaders and members of the Iran Nation Party (see annex III, para. 8).

IV. The status of women

21. The period under review passed without much substantive change in the status of women in the Islamic Republic. The President and various senior figures in the executive continue to press for a change in attitude towards women and women's issues, noting again that the existing limitations are variously legal, economic and social in nature. It was again declared by some of these figures that some of the relevant Islamic laws were "subject to adaptation and change due to circumstances".

22. The current emphasis appears to be on the formation of civil and non-governmental organizations for women and, more specifically, on a national action plan to address violence against women. According to the press, the President's Advisor on Women's Affairs declared in May 1999 that "one cannot claim that violence against women did not take place in Iran". The Special Representative reported

on the draft plan in his 1999 report to the Commission on Human Rights (E/CN.4/1999/32, para. 32). In the period under review it was announced that the plan now contemplates legal and judicial measures, a public information campaign, and the establishment of a women's police college and an organization for defending women in peril as well as victims of violence.

23. More generally, a number of relevant statistics continue to improve. In the recent local elections, 300 women were elected and 114 of these received the highest or second highest number of votes in their constituencies. There are reportedly now some 70 daily and periodic publications which, generally or specifically, address women's issues, most of them run by women editors and managers. In higher education there have been some notable developments. Government officials have stated that female students enrolling in university in 1998 outnumbered male students. About 30 per cent of university faculty members are women. The proportion of female graduate students, and of women doctors and health-care workers is growing significantly.

24. The Special Representative's attention has been drawn to an important recent report by UNICEF entitled *The State of Women: Islamic Republic of Iran* (ISBN 964-6513-10-7). It focuses in substantial part on the areas of compatibility and of divergence between the Convention on the Elimination of All Forms of Discrimination against Women and Iranian law. This report merits careful study; for the moment, however, the Special Representative wishes to highlight two situations that are singled out in the report.

25. The first of these concerns early marriage. The Government, by becoming a party to the Supplementary Convention on the Abolition of Slavery, the Slave Trade, and Institutions and Practices Similar to Slavery, committed itself not to allow the marriage of a minor even with the permission of a guardian, usually a father or a grandfather, a practice now permitted by article 1041 of the Civil Code. Given that the minimum age of marriage of girls is only nine years, very young girls can be married off in this manner, a clear violation of their rights as children. Although the Special Representative is informed that no girls are married off at the age of nine or younger, the law remains on the books.

26. The report also addresses the problems faced by Iranian women marrying refugees, most commonly Afghan refugees. According to the report, for the marriage to be registered, the foreign husband must have a valid passport and legal residence permit which, in practice, few Afghan refugees have. As a result of poverty and the young age of the women, and the fact that they often face brutality, such marriages are often unstable and the women are frequently deserted. Children of such marriages cannot be registered as the marriage itself is not registered. The UNICEF report concludes that as the woman has in effect had foreign nationality imposed upon her, she is being denied her rights under the Iranian Constitution which states, in particular, that "the Government cannot deprive any of this right unless upon his/her request or, if the citizenship of another country is adopted by him/her". The Special Representative calls upon the Government to address both these denials of human rights with the compassion and urgency that the situations clearly merit.

27. In general, it remains the Special Representative's view, as he has expressed in the past, that the Government, while showing some leadership, is not addressing the removal of those discriminatory laws and practices which remain the cause of the unequal treatment faced by women in Iran.

V. Legal subjects

A. The legal system

28. In a previous report to the General Assembly (A/53/423), the Special Representative noted that several events had engendered an intense public debate about the conduct of trials and the appropriate role of judges. This in turn had led to the widespread view that a major overhaul of the judicial system was a prerequisite for the establishment of civil society in the Islamic Republic. In August 1998, the Iranian Prosecutor General told the Special Representative of reforms that were planned including legislation that was to go to the Majlis shortly. Such reform measures have been slow in appearing.

29. The need for change in the way legislation is prepared was highlighted during the period under review by two cases already mentioned in the section on freedom of expression (para. 9 above). These are the repressive laws passed in June amending the Press Law, and the draft law introduced in August on political offences. Both of these bills were apparently prepared more or less in secret without input from the relevant offices of the executive, from interest groups or from the public. While this process is carried out by elected representatives of the people, in the Special Representative's view it is hardly a participatory or even democratic law-making process. It should not be surprising that such laws are met with strong opposition by those concerned and sometimes by a broad swath of the Iranian public. At the

least, this approach leads to cynicism about legislators and their legislation, and towards the rule of law more generally.

30. The Special Representative would note a recent effort to legitimate the Clerics Court which comes at a time of increasing criticism of its activities, particularly in press matters. It has been brought to the attention of the Special Representative that in the course of a recent debate on the Revolutionary and Public Court Procedure Act, the Majlis added article 511A which appears to legitimate the Clerics Court through an amendment to legislation otherwise concerned with court procedure (Official Journal 15816, pp. 28-30). It is very difficult to argue, as judicial officials appear to be doing, that although this Court was properly constituted in the first place, this new legislative provision is still needed. The Special Representative's position remains as stated most recently in his report to the Commission (E/CN.4/1999/32, paras. 48-53), that this Court's existence is a standing invitation for the violation of the human rights of those brought before it.

31. The crisis in the prison system seems to be worsening. More reports are reaching the Special Representative about overcrowding, prisoner unrest and appeals from local prison officials that judges avoid imposing jail sentences. Reportedly, only 2.5 square metres are available for each prisoner.

32. The Special Representative would again note the President's recent calls for the establishment of the rule of law in Iran. Certainly, such a development is central to the enjoyment of human rights in the country. Also certainly, little to this end has been achieved to date. Very recently the new head of the judiciary announced that there would be "a dramatic change in the culture prevailing in the judiciary system". The Special Representative looks forward to describing in his next report the introduction of concrete reform measures.

33. The concept of fair trial in Iran came to international attention during the period under review following the arrest of 13 Jews from Shiraz and Isfahan on suspicion of spying for Israel. The Government of Iran issued a statement declaring that "all arrested suspects will receive a fair trial in accordance with due process of law". The Special Representative followed up this statement with an urgent representation addressed to the Government noting the most significant elements of "fair trial" and seeking assurances that they would indeed be accorded to those 13 individuals. The chair of the Jewish Central Committee appears to have played a significant intermediary role in this matter. At the time of the preparation of the present report, no final decision had been taken by the Iranian judiciary in this matter.

B. Executions

34. According to information received by the Special Representative, Iranian media and Tehran-based foreign wire services reported 138 executions from 1 January 1999 to mid-August 1999. In his report to the General Assembly at its fifty-third session, the Special Representative noted that the Iranian authorities had agreed to cooperate with him in the provision of official statistics on the number of executions. No such statistics have yet reached the Special Representative's attention. The crimes for which most of the executions were carried out are unknown, although a number of those put to death were said to be supporters of or activists in the illegal opposition Mojahedin Khalq Organization.

35. One of the offences that rarely attract the death sentence is "major economic crimes". In March 1999, the Tehran press reported that four merchants had been sentenced to death for exporting carpets without declaring their real value.

C. Torture, or cruel, inhuman or degrading treatment or punishment

36. In the period under review, there occurred to the knowledge of the Special Representative, the first trial of an official for engaging in torture, an act prohibited by the Constitution of Iran. The Commander of the Intelligence and Security Division of the Tehran police, along with three co-defendants, was charged following complaints by a group of mayors and senior officials of Tehran Municipality over treatment they had received while in detention on charges of corruption in 1998. The case was heard by a military court in closed session. While the Commander was found guilty of only minor charges, the fact that the charge was brought at all reflects the more realistic approach that is gradually beginning to take hold in Iran to this abhorrent practice.

37. According to Iranian press reports coming to the attention of the Special Representative, there continue to be amputations of arms, hands and most commonly fingers, usually following multiple theft convictions.

38. Press accounts suggest that corporal punishment is prevalent. In January 1999, an Iranian newspaper reported that two 15-year-old boys had been sentenced to a flogging

for "offending public democracy" by dressing up as girls and wearing make-up. They explained to the Court that they did this to "extract money from rich young men". In June an Iranian newspaper reported that a young man in Mashad had been given 20 lashes for "wounding public moral sentiments" by plucking his eyebrows and wearing eyeshadow. In March an Iranian newspaper reported that six persons had been sentenced in Mashad to 18 months in jail and 228 lashes for goading passers-by to dance in the street in the traditional Zoroastrian festival of Chaharshanbe-Souri.

D. Political murders and disappearances

39. In his 1999 report to the Commission on Human Rights, the Special Representative reported on a series of murders and disappearances of prominent intellectual and political figures. These tragic events had the earmarks of an organized campaign and aroused great public concern. The investigation was put in the hands of the Military Prosecutor's office on the grounds that, as was soon acknowledged, a number of officials in the Ministry of Information (i.e. Intelligence) were involved. The Government committed itself to an open trial of those that would be charged. On 12 May 1999 a newspaper carried a statement by 325 political and cultural figures on the occasion of the 170th day after the murder of Daryoush and Parvaneh Forouhar reiterating a call for justice and disclosure of the perpetrators' identity.

40. The investigation dragged on into June, when the Chief Military Prosecutor, Mohammad Niazi made public his preliminary report on the matter. The names of the four "main agents" were identified, one of whom had been able to commit suicide while in custody. Twenty-three persons had been arrested in connection with these killings — some of whom had been released on bail — and 33 others summoned for investigation. Some of the accused were from the intelligence forces, while others were businessmen. Niazi declared that the motive for the killings had been "to face the system with problems at the international and domestic scene", to generate "a fratricidal conflict between political factions".

41. The report, coming five months after the investigation was announced, was greeted with scepticism in some quarters particularly as to the circumstances of the alleged suicide. Rumours persisted that some of those released on bail had been able to leave the country and that the individuals concerned had been acting with the knowledge if not the approval of powerful personages. Reference was frequently made to the leader of the group's apparently close relations with certain Iranian leaders, and to the nature of the memorial services that were held after his suicide in custody, as well as his burial in a section of the cemetery reportedly designated for national martyrs.

42. In early August, the recently retired head of the judiciary was quoted in the press as saying he had ordered "a public and transparent trial" for those being indicted.

43. The Special Representative, for his part, again urges the Government of Iran to expedite this investigation and to bring the accused to trial quickly. The rule of law repeatedly declared to be an objective of President Khatami's administration requires no less. A dark stain on the Government and the legal authorities will only be removed by a more expeditious and forthright approach to this enquiry.

44. The case of the dissident writer/editor Pirouz Davani who disappeared in August 1998 is no closer to solution following the denial of the Information (i.e. Intelligence) Ministry that he had been arrested. Further investigation is required of this highly suspicious disappearance (see annex III, para. 9).

VI. The status of minorities

The Baha'is

45. The overall enjoyment of human rights by the Baha'i community remains of serious concern. There continue to be reports of violations of rights — in particular those of freedom of assembly, association, expression, movement, liberty and security of the person. The Baha'i community continues to face a systematic violation of economic, social and cultural rights.

46. Fifteen Baha'is are imprisoned in Iran, of whom seven are under sentence of death. The four Baha'is arrested in October 1998 in Isfahan in connection with their activities with the Baha'i Institute of Higher Education (BIHE) were sentenced in March 1999 to various prison terms without parole (see annex II).

47. The Baha'i community is denied the right to exercise its religion and to maintain administrative institutions. Activities aimed at providing education to Baha'i children continue to be curtailed and access to employment denied. Unemployment benefits are reportedly not paid to Baha'is, and their pensions can be terminated on religious grounds. Confiscation of Baha'i property continues.

48. The Special Representative once again urges the Government of the Islamic Republic of Iran to improve its

treatment of the Baha'i community and, specifically, to ensure that the death penalty is not imposed on Baha'is for their religious beliefs; to lift the ban on Baha'i organizations so that Baha'is may associate freely; to put an end to discrimination against Baha'is in all spheres of public life and services; to effect the return of confiscated personal and community Baha'i property; to institute the reconstruction of destroyed places of worship wherever possible or, at a minimum, ensure the provision of appropriate compensation to the Baha'i community; to lift restrictions regarding the burial and honouring of the dead; and to eliminate from passport application forms questions concerning religion, so as to avoid undue infringements of freedom of movement.

49. The Special Representative again urges the Government of the Islamic Republic of Iran to implement the outstanding recommendations of the Special Rapporteur on religious intolerance (see E/CN.4/1996/95/Add.2).

VII. Other important matters

A. The Islamic Human Rights Commission

50. In a previous report to the General Assembly (A/53/423, paras. 47-49), the Special Representative commented on this Commission and in particular, on the need for it to take certain steps to establish its credibility as a national human rights institution. The following new information published by the Commission has now come to the Special Representative's attention:

> In the period from March 1998 to March 1999, 1,051 files were opened on the basis of complaints received.
>
> Of these, the most prominent respondent, the object of 394 complaints, was "the Judicial authorities".
>
> Of the total of some 3,000 currently active files, some 1,000 related to women and women's issues.

51. The Special Representative again recommends that the statistics in the reports of the Commission be broken down further and that, as he recommended, positive trends and best practices be publicized, and that a national action plan for human rights be developed.

B. Terrorism

52. During the period under review, the Government and a banned opposition group, the Mojahedin Khalq Organization, traded charges of terrorist activities both within and outside the country. Such attacks, on government officials and on members of the opposition, appear to have increased recently with senior government officials and military figures being targeted on one side, and groups of opposition members on the other, in at least one case on a loaded bus in Iraq. On one such occasion, the United Nations Secretary-General made a declaration condemning all forms of violence. A number of Governments expressed a similar point of view. More generally, the Commission on Human Rights has in the past expressed its serious concern over the gross violation of human rights that is inherent in terrorist acts.

53. While efforts have been made to distinguish the nature of such acts, for his part the Special Representative also holds the view that violence from any source and in the name of any cause, however noble that cause may be in its own right, is unjustifiable and an unacceptable violation of the human rights of the victims.

54. In May 1999, the Chief Military Prosecutor announced the arrest of 13 members of a fundamentalist assassination group "Mahdaviyat". Its targets were said to include Sunni clerics and former President Rafsanjani, among others. The leader of the group was charged with the attack in January 1999 on the head of the Tehran judiciary that resulted in one death and severe injury to the head of the judiciary.

55. In February 1999, the brother of the Supreme Leader was attacked and severely injured. He reportedly serves as a press adviser to the President and runs a reformist newspaper.

C. Democracy

56. In February 1999, the Islamic Republic had its first elections at the local government level, thereby fulfilling a neglected provision of the Constitution. Government reports stated that about 280,000 candidates competed for 130,000 council seats and that there was a 70 per cent turn-out of voters.

57. In Tehran, there was a controversy over the qualifications of five reformist candidates, all of whom went on to win seats. One of these was Abdollah Nouri, a former Interior Minister who topped the Tehran polls.

58. The next step in what President Khatami describes as the "institutionalization of Islamic democracy" is the election for the 6th Majlis reportedly set for 18 February 2000. Public discussion of this important event has begun and, once again, the role of the Council of Guardians in approving the candidates is a central issue. Most commentators believe that a new law on the subject will not

seriously impede the Council of Guardians from making its decisions on the basis of ideology rather than existing legal requirements for candidature.

59. The Minister of the Interior, for his part, warned his officials that their role is to ensure the conduct of fair elections and that they are not to evaluate individuals on the basis of prevailing beliefs and preferences.

VIII. Correspondence between the Government of the Islamic Republic of Iran and the Special Representative during the period January-August 1999

60. The correspondence exchanged during the reporting period between the Special Representative and the Permanent Representative of the Islamic Republic of Iran to the United Nations Office at Geneva is described in annex III. In sum, the Special Representative transmitted to the Government five communications, including two jointly with other special rapporteurs of the Commission on Human Rights. During the same period, the Special Representative received responses from the Government to three out of six communications that were described in his previous report (see E/CN.4/1999/32, annex V).

61. Some of the correspondence concerned requests for information about individual allegations. Also during the reporting period, the Special Representative sent urgent communications, jointly with other special rapporteurs, in which he appealed to the Government to ensure that those affected benefited fully from all the internationally recognized safeguards, particularly those provided for in the Universal Declaration of Human Rights, the International Covenant on Civil and Political Rights, the Body of Principles for the Protection of All Persons under Any Form of Detention or Imprisonment and the Declaration on the Protection of All Persons from Being Subjected to Torture and Other Cruel, Inhuman or Degrading Treatment or Punishment.

62. While acknowledging the responses by the Government, the Special Representative encourages it to make additional effort to respond to his outstanding requests for information concerning individual cases.

IX. Conclusions

63. It is clear that freedom of expression with regard to the media has suffered a serious setback as a result of a hostile campaign mounted against the reformist press in particular, the usurpation of the legislated press control system by the courts, and the introduction of repressive legislation. Freedom of expression, as well as the rights of association and assembly may have suffered in the aftermath of the student demonstrations, depending on the treatment accorded to the students and to other participants.

64. There has been little substantive change with regard to the rights of women in the period under review. The Special Representative again calls upon the Government to take the lead in introducing change in law and in practice affecting the status of women.

65. In order to achieve the rule of law and therefore the protection of human rights, the reform of the legal system remains an urgent matter. The Special Representative recommends that the hinted at reform measures be introduced as soon as possible. The Government should publish statistics on executions by category of offence and should ensure compliance with resolutions of the Commission on Human Rights in this regard. Torture and comparable treatment or punishment continues to exist and needs to be confronted by the Government in accordance not only with international standards but with the laws of Iran.

66. The investigation of the string of murders of intellectuals and political dissidents that occurred in November and December 1998 needs to be completed quickly and with total frankness if it is to have public credibility.

67. The status of religious minorities remains precarious. The Government should address without further delay the matter of the Baha'is, in line with the outstanding recommendations of the Special Rapporteur on religious intolerance.

68. Terrorism by Iranians against Iranians is on the rise both within and outside of Iran. The Special Representative calls on both sides to heed the calls from the Secretary-General of the United Nations and others in this regard.

69. There continues to be progress in the development of democracy in the Islamic Republic; the arrangements made to ensure open and fair elections for the sixth Majlis will be critical in this regard.

Annex I

Chronology of student demonstrations

The following chronology is drawn from Iranian and foreign wire service reports on the events of 7 to 14 July 1999. It may contain inaccuracies. Numbers of demonstrators, those killed or injured, and those arrested, are not given as the press reports vary widely in this regard and no independent sources are available.

7 July — The Majlis passes a bill tightening controls on the press.

Salam, a leading reformist newspaper, is shut down by order of the Clerics Court.

8 July — A group of University of Tehran students stage a sit-in protesting the two events of 7 July.

9 July — In the early morning, security forces, accompanied by civilians widely believed to be the extra-legal Ansari Hezbollah, enter the University of Tehran without authorization and ransack the student dormitories, injuring some students and arresting others.

10 July — Students demonstrate in the streets.

The Minister of Higher Education hands in his resignation, but it is refused.

Demonstrations spread to other cities, particularly Tabriz.

11 July — Generally peaceful demonstrations continue in Tehran streets. The demands of the demonstrators broaden to include the system of governance in the Islamic Republic.

Two senior security officials are dismissed over the raid on the student dormitories.

The Minister of the Interior describes the event of 9 July as "one of the most bitter social, political and cultural events of recent times". He had visited the university on 9 July and "could not believe what he saw", including "the scale of destruction" and the actions of "the wilful and disobedient elements who are known as pressure groups in the society". He declares that action has to be taken "to confront the elements which caused the catastrophe including punishing a number of the attackers and sacking two of the law enforcement commanders".

The President of the University of Tehran tenders his resignation.

12 July — There are further demonstrations in Tehran and clashes with the police, leading to some arrests.

A large sit-in takes place in the university.

University faculty issue a statement that the 9 July incident "was the worst of its kind in University history".

Police and vigilantes attempt to take back control of the streets, particularly in the area around the university.

The Supreme Leader describes the occurrence of 9 July as "a bitter and unacceptable incident".

The Governor of Tehran bans all demonstrations.

At Tabriz University a student demonstration is broken up by force, resulting in injuries and arrests. At another university, following a student sit-in, the university is closed until October. The violence used in Tabriz and particularly the use of firearms by the police is only subsequently realized.

13 July — Tehran riot police disperse a large group of demonstrators, some of whom regroup and engage in vandalism. Arrests ensue.

President Khatami calls the incident on 9 July "extremely bitter and intolerable", adding that student protestors had now been joined by agitators "with bad intentions".

Mainstream student leaders begin to distance themselves from the rioting of the previous two days.

14 July — A large counterdemonstration is held in Tehran.

	The Secretary of the Supreme National Security Council warns that those involved in the past few days' riots, destruction of public property and attacks against the system would be tried and punished in the same way as those fighting God and those spreading corruption, charges which usually carry the death penalty.
	In a separate speech to students at the University of Tehran, the Secretary declared that the role of students was highly valued and that compensation would be paid for the destruction in the university dormitories.
17 July	Student groups protest the continuing arrest of students by police and "pressure groups".
	Reports are published that students in some parts of the country are being brought before the Revolutionary Courts.
22 July	Student groups protest the continuing arrest of students.
4 August	The director of the university dormitories complains to a visiting group of members of the Majlis that the facts of the raid on the dormitories are not in dispute and yet no action has been taken by security officials. Instead, more students are being arrested.

Annex II

Information on the situation of the Baha'is

1. The following is based on information received by the Special Representative.

2. With regard to imprisonment of Iranian Baha'is, the four Baha'is arrested in Isfahan in October 1998 for their involvement with the Baha'i Institute of Higher Education (BIHE) received verdicts on 16 March 1999. Dr. Sina Hakiman was handed down a fixed prison term of 10 years, Mr. Farrad Khajeh and Habibullah Ferdosian were given seven years and Mr. Ziaullah Mirzapanah was sentenced to three years (all without parole). It may be noted that one of the prisoners, Mr. Mirzapanah, had been released in January 1999 but was called to attend the trial of the other three individuals, at which time he was also sentenced. The verdict (No. 2/791/787) stated generally: "a number of people of the misled Baha'i sect have formed an illegal group under the title "the Friends of Iran, Isfahan", have taken action to establish a secret organization named Hay'at-i-Maarif-i-Ali-Amri' [Institute for Higher Baha'i Studies] and are engaged in attracting youth, teaching against Islam and against the regime of the Islamic Republic".

3. Mr. Manuchehr Khulusi, a resident of Khurasan, was reportedly arrested on 9 June 1999 while on a visit to Birjand. He was subsequently transferred to Mashhad where he is being held in the Information Organization prison. While reports indicate that he was arrested because of his Baha'i activities, no indications have been given as to the charges brought against him or when his trial may be expected.

4. Other Baha'is held in Iranian prisons include Mr. Bihnam Mithaqi and Mr. Kayvan Khalajabadi, arrested on 29 April 1989 for Zionist Baha'i activities; Mr. Musa Talibi, arrested on 7 June 1994, charged with apostasy and sentenced to death; Mr. Dhabihu'llah Mahrami, arrested on 6 September 1995, charged with apostasy and sentenced to death; Mr. Mansur Haddadan, arrested on 29 February 1996, charged with organizing a children's art exposition and sentenced to three years in prison; Mr. Sirus Dhabihi-Muqaddam, Mr. Hidayat Kashifi Najafabadih and Mr. Ata'u'llah Hamid Nasirizadih, arrested in October/November 1997, charged with continuing "Family Life" meetings and sentenced to death; Mrs. Sonia Ahmadi and Mr. Manuchehr Ziyai, arrested on 1 May 1998, charged with holding meetings for youth and sentenced to three years' imprisonment. Reports further indicate that limitations have been placed on visits to several of those prisoners held in Tehran, including the necessity for wives to present proof of marriage in order to visit their husbands, which is complicated by the Iranian authorities' non-recognition of Baha'i marriages.

5. Mr. Arman Damishqi and Mr. Kurush Dhabihi, referred to in the Special Representative's report to the Commission, were granted amnesty and released on 19 March 1999. They were reportedly arrested early in 1996 for having refused to renounce their faith.

6. Naser Qadiri, first arrested on 29 July 1997 (then released and rearrested for refusing to desist from holding "Family Life" meetings), has been released a second time after serving 21 months in prison.

Annex III

Correspondence between the Special Representative and the Government of the Islamic Republic of Iran during the period January-August 1999

1. On 22 January 1999, the Special Representative sent a letter once again requesting the urgent attention of the Government of Iran to additional reports he had received on the deteriorating situation of Mr. Amir-Entezam, a deputy prime minister under the transitional Government in 1979 and 1980 (see E/CN.4/1999/32, annex V, para. 3). The Special Representative remains deeply concerned about the health of Mr. Amir-Entezam, about the way he is being treated generally in prison and about his continuing detention. No response has been received yet from the Government to either of the communications on this matter.

2. By letter dated 21 June 1999, the Special Representative drew the urgent attention of the Iranian authorities to the reported arrest in the Islamic Republic of 13 persons, all said to be Iranian Jews suspected of spying for Israel. While referring to international norms and standards with regard to fair trial, the Special Representative noted with concern the lengthy period the investigation of this matter had apparently taken and the assertion he had received that during this period the accused persons had been denied, among other things, family visits. Referring to the Government's statement No. 179 of 14 June 1999 on this matter, the Special Representative requested assurances that in receiving the fair trial to which the Government has committed itself, the accused will be accorded their rights in accordance with international human rights norms, including the Body of Principles for the Protection of All Persons under Any Form of Detention or Imprisonment adopted by the General Assembly in resolution 43/173 of 9 December 1988. No response has been received.

3. The Special Representative joined the Special Rapporteurs on the question of torture, and on the promotion and protection of the right to freedom of opinion and expression, in sending an urgent letter on 12 July 1999 to the Minister for Foreign Affairs concerning the arrest and detention of Hechmatollah Tabarzadi and Hossein Kachani, both journalists of the weekly publication, the *Hovizat-Ú-Khich*, which had since reportedly been banned. According to the information received, the authorities have indicated that the two journalists were arrested for publishing information "contrary to public order and public interest" and "issuing an anti-establishment communiqué". On 6 July 1999, a number of students and other persons reportedly protesting the detention of the above-mentioned individuals at the United Nations office in Tehran were themselves arrested. It was said that all of these individuals have been denied access to a lawyer. In view of the incommunicado nature of their detention, fears have been expressed that the above-mentioned individuals may be at risk of torture and other forms of ill-treatment.

4. In the above-mentioned letter, reference was also made to the suspension by the Government of the *Salam* newspaper on the same day that the Majlis passed a new law which in principle restricts freedom of the press. The *Salam* night editor, Morad Raisi (Veissi), was reportedly detained on 7 July 1999. In the letter, a joint appeal was made to the Government to ensure everyone's right to freedom of opinion and expression, and that the right to physical and mental integrity of the above-named persons is protected in accordance with international human rights law. No response has been received from the Government.

5. On 13 July 1999, the Special Representative, in conjunction with the Special Rapporteur on the promotion and protection of the right to freedom of opinion and expression, addressed a letter to the Minister for Foreign Affairs concerning the alleged attacks by armed forces and members of the vigilante group, Ansarie Hezbollah, against student demonstrators denouncing the closure of the daily newspaper, *Salam*. In this regard, concern was expressed about the reported deaths of four students, Na'imi, Sohrabian, Yavari and Zakeri, and the detention of student activists Mohamad Masud Salamati, Sayed Javad Emami and Parviz Safaria. The Government was requested to guarantee the safety and security of the students and to ensure that their right to the freedom of opinion and expression is protected as set forth in articles 19 of the Universal Declaration of Human Rights and the International Covenant on Civil and Political Rights.

6. In a letter addressed on 30 July 1999 to the Minister for Foreign Affairs, the Special Representative referred to reportedly official figures, according to which a total of 1,200 persons have been arrested since the beginning of the student demonstrations, 750 of whom are said to have been released. On the same occasion, the Special Representative forwarded the names of a significant number of missing persons that had been brought to his attention. The Special

Representative was particularly concerned that so many persons, some of whom reportedly had nothing to do with the latter days of demonstrations, may remain in detention without recourse to family or lawyers.

7. The above-mentioned letter also referred to communications by the Special Representative dated 18 September 1998 and 22 January 1999 regarding the insufficient medical attention provided to Mr. Amir-Entezam (see para. 1 above). Expressing deep concern about the continued detention of Mr. Amir-Entezam and his wife, Mrs. Elahe Mizani Amir-Entezam, both without apparent cause, the Special Representative observed that no response had been received from the Government to his above-mentioned communications on this case. Since then, the Special Representative has been told that Ms. Elahe Mizani Amir-Entezam has been released.

8. A letter dated 1 March 1999 from the Permanent Representative of the Islamic Republic of Iran in Geneva contained the following information in response to the Special Representative's letter dated 14 December 1998 concerning the continued detention of four members of the Baha'i Community (see E/CN.4/1999/32, annex V, para. 7):

> "I would like to provide you with the following information received from relevant authorities.
>
> Mr. Ziaollah Mirzapanah was arrested in Isfahan on charges of illegally establishing organizations and holding illegal gatherings.
>
> While in detention he complained about his illness. He was examined by a physician who recognized that the defendant is suffering from prostate enlargement and kidney complications.
>
> The court considering the report of the physician and the age of the defendant ordered his release on bail till commencement of his trial.
>
> As for other individuals mentioned in your letter, it would be highly appreciated if further detailed information, including complete first name, surname, ID number, place of arrest, etc. were provided in order to enable the authorities to make inquiries into the case."

9. In response to a joint communication of 4 November 1998 from the Special Representative and the Chairman of the Working Group on Enforced or Involuntary Disappearances concerning the fate and whereabouts of Pirooz Faghaei Davani, a political activist (see E/CN.4/1999/32, annex V, para. 6), the Permanent Representative forwarded the following information:

> "I should inform you that the relevant organizations and authorities have not yet found any trace of Mr. Pirooz Faghaei Davani. The case is still under consideration and any result would be communicated to you as soon as possible."

10. Further to his response dated 7 October 1998 with regard to the death sentences against Sirus Zabihi-Muqaddam and Hedayat Kashefi Najafabadi, both members of the Baha'i faith (see E/CN.4/1999/32, annex V, paras. 4 and 5), the Permanent Representative, by a letter dated 28 May 1999, informed the Special Representative of the following:

> "I would like to provide you with the following information received from relevant authorities in Tehran.
>
> The Supreme Court, in compliance with due process of law reviewed the death sentence for Messrs. Zabihi Moghadam and Hedayat Kashifi. After the review, the Supreme Court decided to reject the verdict of capital punishment for the defendants and sent their cases to another competent court for retrial."

11. By letters dated 6, 27 and 29 January, 3, 17 and 24 February, 11 March, 3 May, 2 and 21 June, and 5, 12, 14, 19 and 22 July 1999, the Permanent Representative provided the Special Representative with the text of several articles on various subjects published in Iranian press and international wire services.

12. By a letter dated 2 February 1999 the Permanent Representative forwarded to the Special Representative the text of press releases issued by the Permanent Mission of Iran in Geneva with regard to "Election of local councils throughout Iran" and "President Khatami's views on the upcoming elections of local councils".